

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Luithle *et al.*

Serial No.: 10/516,777

Filed: January 13, 2006

For: 2-HETEROARYL CARBOXAMIDES

Attorney Docket No.: LeA36131 [84804(303989)]

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Examiner: John Mabry

Attention: Office of Petitions

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATION OF ELECTRONIC FILING UNDER 37 C.F.R. §1.8

Date of Electronic Submission: November 10, 2009

I hereby certify that this correspondence is being transmitted via the U.S.P.T.O.'s Patent Electronic Business Center in accordance with 37 C.F.R. § 1.6(a)(4) on the date indicated above.

/Gabriel J. McCool/

Signature of Person Transmitting Paper

**PETITION UNDER 37 CFR 1.137(b) FOR REVIVAL OF AN
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY**

Dear Sir:

An Office Action (Restriction) was mailed in this application on December 23, 2008, to which Applicants unintentionally failed to file a reply. The statutory period for reply to the Office Action expired on June 23, 2009, and a Notice of Abandonment was mailed on August 26, 2009. The Notice of Abandonment refers to a Telephonic Interview between Examiner Mabry and William Gray on August 25, 2009. **Applicants hereby petition for revival of this application under 37 CFR 1.137(b)**, which was unintentionally abandoned when Applicants did not file a timely response by June 23, 2009.

A grantable petition under 37 CFR 1.137(b) requires (1) a petition fee, (2) a reply, e.g., a reply to the outstanding Office Action, (3) a Declaration pursuant to 37 C.F.R. 1.132 by William F. Gray, and (4) a statement that the entire delay was unintentional. These requirements are met as follows:

(1) Petition fee

Applicants hereby authorize payment from Deposit Account No. 04-1105 of the large-entity fee under 37 CFR 1.17(m) of \$1620.00 for Petition to revive this unintentionally abandoned application.

(2) Reply

The reply is the Response to the Office Action (Restriction) in compliance with 35 U.S.C. § 371 filed together with this Petition.

(3) Statement

The entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional.

Applicants do not believe any additional fees, other than those fees specifically indicated above, that are due with this submission. Nevertheless, the Commissioner is hereby authorized to charge (or credit any overpayment) our Deposit Account No. 04-1105 under docket number 303989/84804, any additionally required fee.

Dated: **November 10, 2009**

Respectfully submitted,

/Nicholas J. DiCeglie, Jr./

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